



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,791	12/02/2003	Hiroto Nishiyama	IPO-P1881	3322
3624 7590 03/18/2008				
VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103				
EXAMINER				
SHIH, HAOSHIAN				
ART UNIT		PAPER NUMBER		
2173				
MAIL DATE		DELIVERY MODE		
03/18/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/725,791

Applicant(s)

NISHIYAMA ET AL.

Examiner

HAOSHIAN SHIH

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/09/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-9 are pending in this application and have been examined in response to application amendment filed on 01/09/2008.
2. The previously applied rejection under USC 101 is hereby withdrawn in view of applicant's amendment.
3. The previously applied objection to the specification is hereby withdrawn in view of applicant's amendment to the title.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-9 are rejected under 35 U.S.C. 102(b) as being unpatentable by Khosla et al. (Khsola, US 6,202,061 B1).**

6. As to **INDEPENDENT** claim 1, Khsola discloses an image processing apparatus comprising: first display means for displaying one or more images of a plurality of images (fig.5, fig.12B; a thumbnail region for displaying images is illustrated);

a first category designation section configured to designate one category from among a plurality of categories, provided to each of the one or more images displayed through the first display section (col.7, lines 1-4; images from the same category are stored in an album);

a classification section configured to categorize each of the one or more images displayed through the first display section into one or more of categories designated by the first category designation section (fig.9; images are classified via a user defined search query);

a second category designation section configured to designate one or more categories among the one or more categories classified by the classification section (col.7, lines 1-4; images from the entire database are designated and displayed in a thumbnail region);

a second display section configured to display one or more images each of which belongs to any of the one or more categories designated by the second category designation section (col.7, lines 1-4; images from the entire database are displayed in a thumbnail region); and

a selective designation section configured to select and designate an image from among the images displayed through the second display section (col.6, lines 39-43).

7. As to claim 2, Khosla discloses wherein the first display section includes any one of a browse display section configured to display a plurality of reduced images in an array, and a view display section configured to display one single image (fig.5; fig.12A;

a browse display section displays thumbnails in a thumbnail region, a view display section can be configured to display one picture at a time in the Album page region).

8. As to claim 3, Khsola discloses wherein the second display means includes any one of browse display means for displaying a plurality of reduced images in an array, view display means for displaying one single image, and virtual-light-box display means for displaying two or more images to compare the images (fig.5; fig.12A).

9. As to claim 4, Khsola discloses storage control means for grouping one or more images selected and designated through the selective designation means and storing the grouped images into the same area in a recording medium (fig.9, images of a same category are stored in an album).

10. As to claim 5, Khsola discloses the second display section includes
a browser display section configured to display one or more reduced images that
belong to any of the one or more categories designated by the second category
designation section (fig.5; col.7, lines 1-4; "305"); and
a view display section configured to select a single image from among the
reduced images displayed through the browser display section and display an enlarged
image of the selected image (fig.5, "309"; fig.12A; "1203");
wherein the selective designation selection is configured to select and designate
the enlarged image displayed through the view display section (col.6, lines 39-42).

11. As to claim 6, Khsola discloses wherein the second display section includes a browser display section configured to display one or more reduced images that belong to any of the one or more categories designated by the second category designation section (fig.5; col.7, lines 1-4; "305"); and a virtual light box section configured to select a plurality of images from among the reduced images displayed through the browser display section and display enlarged images of the selected images (fig.5, "309"; fig.12A; "1203"; a user can select to display 2 or more enlarged images in the album page region); wherein the selective designation section selects and designates an image from among the enlarged images displayed through the virtual light box selection (col.6, lines 39-42).
12. As to **INDEPENDENT** claim 7, see rationale addressed in the rejection of claim 1 above.
13. As to claim 8, see rationale addressed in the rejection of claim 5 above.
14. As to claim 9, see rationale addressed in the rejection of claim 6 above.

Response to Arguments

15. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Applicant may alleviate the current prior art rejection by indicating the specific features of a "virtual-light-box display".

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAOSHIAN SHIH whose telephone number is (571)270-1257. The examiner can normally be reached on m-f 0730-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tadesse Hailu/
Primary Examiner, Art Unit 2173

HSS